

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

YUAN FANG,

Plaintiff,

v.

STATE OF NEW JERSEY, N.J. DEPT.
OF TRANSPORTATION, AND JOHN
DOES 1-10,

Defendants.

Civil Action No. 12-5095 (MAS) (DEA)

MEMORANDUM ORDER

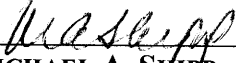
This matter comes before the Court following the Report and Recommendation (“R&R”) of the Honorable Douglas E. Arpert, U.S.M.J., recommending the dismissal of Plaintiff’s Complaint, with prejudice, for failure to comply with certain orders of the Court and otherwise prosecute the matter. (ECF No. 29.) No objections to the R&R were filed within the fourteen days provided by Federal Rule of Civil Procedure 72(b)(2) and Local Civil Rule 72.1(c)(2).

Although a Court need not review a Magistrate Judge’s R&R when no objections have been filed, *Thomas v. Arn*, 474 U.S. 140, 149 (1985), “the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report.” *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). The Court has carefully reviewed Judge Arpert’s well-reasoned R&R, which considered and applied each of the six factors set forth in *Poulis v. State Farm Casualty Co.*, in order to determine if dismissal was appropriate. *See* 747 F.2d 863 (3d Cir. 1984). Judge Arpert ultimately concluded that a balancing of the six *Poulis* factors warranted dismissal of Plaintiff’s complaint.

The Court agrees with Judge Arpert's reasoning and conclusion. Accordingly, for these reasons,

IT IS on this 14 day of May 2015, **ORDERED** that:

1. The Court ADOPTS the Report and Recommendation of Judge Arpert (ECF No. 29);
- and
2. Plaintiff's Complaint is DISMISSED WITH PREJUDICE.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE